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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,372	07/24/2003	Harrihar A. Pershadsingh	421842000400	2447
25226	7590	05/05/2006	EXAMINER	
MORRISON & FOERSTER LLP			WEDDINGTON, KEVIN E	
755 PAGE MILL RD			ART UNIT	
PALO ALTO, CA 94304-1018			PAPER NUMBER	

1614

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1614

Claims 1-7, 9, 10, 12, 14 and 15 are presented for examination.

Applicants' amendment filed January 31, 2006 has been received and entered.

The applicants may wish to delete the word "prophylactically" in claims 1, 2, 4 and 7 since the words "inhibiting and inhibits" achieves the same effect.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 11 and 12 are again rejected under 35 U.S.C. 102(b) as being anticipated by Asmar et al., American Journal of Hypertension, Vol. 14, No. 4, pp. 114A, 2001, abstract P-254 of PTO-1449, all of record, for reason of record as set forth in the previous Office action dated January 3, 2006 at pages 2-3 as applied to claims 1-7, 9, 11 and 12.

Applicants' remarks regarding the prior art, Asmar et al., does not teach inherency to metabolic syndrome are not persuasive since the Examiner is trying to say the cited prior art, Asmar et al, teaches the instant active ingredient, telmisartan, is well- known to treat Type 2 diabetes and its complication such as hypertension. Note in applicants' specification, page 9, section [0023]; discloses the metabolic disorder or disease that can be treated with telmisartan such as the metabolic hypertensive syndrome wherein hypertension is present. Again, the cited reference anticipates the applicants' instant invention.

Art Unit: 1614

The rejection made under 35 USC 102(b) is adhered to.

Claims 1-7, 9, 11 and 12 are not allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 14 and 15 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Asmar et al., American Journal of Hypertension, Vol. 14, No. 4, pp. 114A, 2001, abstract P-254 of PTO-1449, all of record, for reason of record as set forth in the previous Office action dated January 3, 2006 at pages 3-5 as applied to claims 10, 14 and 15.

Applicants' remarks regarding the prior art, Asmar et al., topical administration of telmisartan or a total daily effective oral dose is obvious over the allege inherent anticipation of the administration of telmisartan to patients with metabolic syndrome are not persuasive since the applicants' specification teaches one of the metabolic disorders is the metabolic hypertensive syndrome then the cited reference does anticipates the instant invention as states above supra.

As the topical administration of telmisartan, applicants have not demonstrated on the record how effective the topical administration in treating metabolic disorders of type 2 diabetes. Again, the Asmar et al. reference's dosage of 40 mg falls within

Art Unit: 1614

the applicants' dosage range of claim 12. Again, the various dose ranges of claim 14 is obvious since the body sizes of the human child, adolescent and adult are different thus various doses are needed for each individual group.

The rejection made under 35 USC 103 is adhered to.

Claims 10, 14 and 15 are not allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin E. Weddington whose telephone number is (571)272-0587. The examiner can normally be reached on 12:00 am-8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571)272-0718. The fax

Art Unit: 1614

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin E. Weddington
Primary Examiner
Art Unit 1614

K. Weddington
May 1, 2006